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Attorneys for Defendants CITY OF SACRAMENTO, BRIAN BRUST, AND DAVID LAUCHNER

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

WARIS GILDERSLEEVE,

Plaintiff,

vs.

CITY OF SACRAMENTO, et al.,

Defendants.

) Case No.: 2:22-cv-02145-JAM-AC

)
) **DEFENDANTS' NOTICE OF MOTION**
) **AND MOTIONS FOR SUMMARY**
) **JUDGMENT**

) **DATE: June 17, 2025**
) **TIME: 1:00pm**
) **ROOM: 6**

TO ALL PARTIES AND THEIR ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that on June 17, 2025, at 1:00pm, in Courtroom 6, or as soon thereafter as the matter may be heard, at the United States District Courthouse located at 501 I Street, Sacramento, California, Defendants CITY OF SACRAMENTO, BRIAN BRUST, AND DAVID LAUCHNER ("Defendant") will move this Court for summary judgment against Plaintiff WARIS GILDERSLEEVE ("Plaintiff") pursuant to Fed. R. Civ. P. 56.

This motion will be made on the following grounds:

1. The City of Sacramento seeks partial summary judgment, specifically of the disparate treatment portions of Causes of Action 1-3, i.e. discrimination/disparate treatment under

1 Title VII and discrimination/disparate treatment and failure to prevent discrimination under the
2 Fair Employment and Housing Act (FEHA) on the grounds that there are no allegations of
3 evidence Gildersleeve suffered an adverse action on the basis of his race.

4 2. Defendants Brust and Lauchner seek summary judgement of the Fair Employment
5 and Housing Act claim alleged against them on the grounds that individuals cannot be liable for
6 discrimination under FEHA and the hostile work environment claims lack legal and factual
7 foundations because the few instances alleged against these Defendants are factually
8 unsupported/contradicted or insufficient to create a hostile work environment.

9 Counsel for Defendants meaningfully met and conferred with Plaintiff's counsel prior to
10 filing this motion. See. Declaration of Serena M. Warner ¶¶ 4-5.

11 This motion will be based on this Notice of Motion, the Memorandum of Points and
12 Authorities, Separate Statement of Undisputed Material Facts, the Declarations of Serena M.
13 Warner and Josh Calista, filed in support hereof, and exhibits attached thereto, as well as the
14 complete files and records in this action, and on any other such matters as may be presented or
15 submitted at or before the hearing of this motion.

16
17 Dated: April 14, 2025

ANGELO, KILDAY & KILDUFF, LLP

18 /s/ Serena M. Warner

19 By: _____

SERENA M. WARNER

20 ETHAN J. ZERTUCHA

21 Attorneys for Defendants

22 CITY OF SACRAMENTO, BRIAN

BRUST, AND DAVID LAUCHNER